

IN THE UNITED STATES
DISTRICT COURT OF
THE NORTHERN DISTRICT OF
OKLAHOMA

FILED

JAN 20 2022

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

PAUL TAY

PETITIONER

22CV-040 TCK · SH

THE HONORABLE

JOSEPH R. BIDEN, RESPONDENT,

PETITION FOR WRIT OF HABEAS CORPUS TO ENJOIN
THE U.S. MILITARY COMMANDER-IN-CHIEF
REMOVE INTRUDERS DEFINED BY ART. 15
1856 TREATY WITH CREEKS AND SEMINOLLES

COMES NOW THE PETITION BRING THE ABOVE-STYLED
CAUSE, ON GROUNDS THE SUPREME COURT RECOGNIZES
CREEK TREATIES IN FULL FORCE AND EFFECT, AND PRESENTS
EXTRAORDINARY CIRCUMSTANCES THAT WOULD REQUIRE THIS
COURT TO IMMEDIATELY ASSUME JURISDICTION OF THE
MATTER.

THE VENUE IS PROPER, UNDER THE HABEAS CORPUS
ACT. THE PETITIONER ASSERTS ARTICLE III STANDING
ON GROUNDS AN INTRUDER, TULSA POLICE DEPARTMENT, A
ILLEGALLY ARRESTED THE PETITIONER, EXERCISING
INCOMPETENT SNAM JURISDICTION NOT AUTHORIZED
BY TREATIES OR FEDERAL LAW.

ANOTHER INTRUDER, STATE OF OKLAHOMA,
WITHOUT TREATY-DEFINED COMPETENT JURISDICTION
ON MUSCOGEE (CREEK) NATION, IS HOLDING THE
PETITIONER IN DAVID LAMOSS DETENTION CENTER AND
INTENDS TO PROCEED TO TRIAL.

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ART. 4, 1856 TREATY WITH CREEKS AND SEMINOLES RESTRICTS THE POWER OF THE UNITED STATES TO INCLUDE THE LAND EMBRACED WITHIN THE MUSCOGEE (CREEK) NATION IN THE STATE OF OKLAHOMA.

SHE CONTINUES HER LONG HISTORICAL UNLAWFUL PROSECUTORIAL PRACTICES, INDICTED BY THE SUPREME COURT AS "LIKELY ILLEGAL," TO TRY, CONVICT, AND SENTENCE PERSONS FOUND GUILTY OF VIOLATING HER LAWS WHILE ON THE MUSCOGEE NATION.

ARTICLE 15, 1856 TREATY DEFINES INTRUDERS AS PERSONS ON THE MUSCOGEE (CREEK) NATION WHO ARE NOT 1) THE NATION'S CITIZENS BY BLOOD; 2) UNITED STATES AGENTS TASKED WITH REMOVING DEFINED INTRUDERS; AND 3) DO NOT HAVE THE NATION'S EXPRESSED CONSENT ALLOWING PRESENCE ON THE NATION'S LAND.

THE RESPONDENT HAS CLEAR COMPELLING DUTY TO ENFORCE ART. 15, PURSUANT TO FEDERAL LAW, 25 U.S.C §180.

CONCLUSIONS OF LAW

THE RESPONDANT FAILURE TO ENFORCE ART 15 VIOLATES TREATY OBLIGATIONS AND FEDERAL LAW.

THE PETITIONER IS ENTITLED TO THE ABOVE-STYLED CAUSE WHERE THE RESPONDENT'S ACTION IS EXTRAORDINARY, IN BLATANT CONTRAVENTION OF THE RULE OF LAW.

TULSA POLICE / DEPARTMENT AND STATE OF OKLAHOMA, AND ALL OTHER DERIVATIVE POLITICAL SUBDIVISIONS ARE ART. 15 INTRUDERS ON THE MUSCOGEE NATION.

THE PETITIONER AND OTHERS SIMILARLY SITUATED
SUFFERED AND WILL SUFFER WITHOUT ENFORCEABLE
COURT ORDER UPON THE RESPONDENT.

RESPECTFULLY,

Paul Tey

PETITIONER PRO SE

#1163908

DAVID L MASS

300 N DENVER

WISN, OK 74103

STATEMENTS OF THE CASE

- 1) THE PETITIONER IS CURRENTLY IN PRE-TRIAL DETENTION AT DAVID L MOSS DETENTION CENTER, 300 N DENVER, TULSA, OK 74103.
- 2) IN THE CASE IN TULSA COUNTY, STATE OF OKLAHOMA, CF-2021-3343, THE PETITIONER CHALLENGES "OKLAHOMA'S AUTHORITY TO TRY NON-INDIANS FOR CRIMES AGAINST NON-INDIAN ON LAND IN QUESTION," INDIAN TERRITORY, DEFINED BY ART 4, 1856 TREATY WITH CREEKS AND SEMINOLES, AND FEDERAL LAW, 18 USC 1151.
- 3) IN MAJORITY OPINION OF Mc GIRT V OKLAHOMA, 140 S.Ct, 2452, THE RESPONDANT CITED UNITED STATES V. McBRATNEY, 109 U.S. 621 (1882) TO SUPPORT ITS CLAIM, "NOTHING WE MIGHT SAY TODAY COULD UNSETTLE OKLAHOMA'S AUTHORITY TO TRY NON-INDIANS FOR CRIMES AGAINST NON-INDIANS ON THE LANDS IN QUESTION."
- 4) WORCESTER HELD THAT GEORGIA SHALL NOT EXTEND ITS JURISDICTION ON INDIAN TERRITORY.
- 5) ARTICLE 4, 1856 TREATY WITH CREEKS AND SEMINOLES STIPULATES, "THAT NO PORTION OF EITHER OF THE TRACTS OF COUNTRY DEFINED IN THE FIRST AND SECOND ARTICLES OF THIS AGREEMENT SHALL EVER BE EMBRACED OR INCLUDED WITHIN, OR ANNEXED TO, ANY TERRITORY OR STATE."